

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 117 entitled
3 “An act relating to creating a Division for Telecommunications and
4 Connectivity within the Department of Public Service” respectfully reports that
5 it has considered the same and recommends that the Senate propose to the
6 House that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 * * * Division for Telecommunications and Connectivity * * *

9 Sec. 1. REPEAL

10 3 V.S.A. § 2225 (creating the Division for Connectivity within the Agency
11 of Administration) and 2014 Acts and Resolves No. 190, Secs. 12 (Division
12 for Connectivity), 14 (creation of positions; transfer; reemployment rights),
13 and 30(a)(2) and (b) (statutory revision authority regarding the Division for
14 Connectivity) are repealed.

15 Sec. 2. 30 V.S.A. § 1 is amended to read:

16 § 1. COMPOSITION OF DEPARTMENT

17 (a) ~~The department of public service~~ Department of Public Service shall
18 consist of the ~~commissioner of public service, a director for regulated utility~~
19 ~~planning, a director for public advocacy, a director for energy efficiency,~~
20 Commissioner of Public Service, a Director for Regulated Utility Planning,
21 a Director for Public Advocacy, a Director for Energy Efficiency, a Director

1 for Telecommunications and Connectivity, and such other persons as the
2 ~~commissioner~~ Commissioner considers necessary to conduct the business of
3 the ~~department~~ Department.

4 (b) The ~~commissioner of public service~~ Commissioner shall be appointed
5 by the ~~governor~~ Governor with the advice and consent of the ~~senate~~ Senate.

6 The ~~commissioner of public service~~ Commissioner shall serve for a term of
7 two years beginning on February 1 of the year in which the appointment is
8 made. The ~~commissioner~~ Commissioner shall serve at the pleasure of the

9 ~~governor~~ Governor. The ~~directors for regulated utility planning, for energy~~
10 ~~efficiency and for public advocaey~~ Directors for Regulated Utility Planning,

11 for Public Advocacy, and for Energy Efficiency shall be appointed by the

12 ~~commissioner~~ Commissioner. The Director for Telecommunications and

13 Connectivity shall be appointed by the Commissioner in consultation with the

14 Secretary of Administration.

15 (c) The ~~director for public advocaey~~ Directors for Public Advocacy and for

16 Telecommunications and Connectivity may employ, with the approval of the

17 ~~commissioner~~ Commissioner, legal counsel and other experts, and clerical

18 assistance, and the ~~directors of regulated utility planning and energy efficiency~~

19 Directors for Regulated Utility Planning and for Energy Efficiency may

20 employ, with the approval of the ~~commissioner~~ Commissioner, experts and

21 clerical assistance.

1 Sec. 3. 30 V.S.A. § 202d is amended to read:

2 § 202d. TELECOMMUNICATIONS PLAN

3 (a) The Department of Public Service shall constitute the responsible
4 planning agency of the State for the purpose of obtaining for all consumers in
5 the State stable and predictable rates and a technologically advanced
6 telecommunications network serving all service areas in the State. The
7 Department shall be responsible for the provision of plans for meeting
8 emerging trends related to telecommunications technology, markets, financing,
9 and competition.

10 (b) The Department shall prepare a Telecommunications Plan for the State.
11 The Department of Innovation and Information, ~~the Division for Connectivity~~
12 ~~and the Agency of Commerce and Community Development, and the Agency~~
13 ~~of Transportation~~ shall assist the Department of ~~Public Service~~ in preparing the
14 Plan. The Plan shall be for a ten-year period and shall serve as a basis for State
15 telecommunications policy. Prior to preparing the Plan, the Department shall
16 prepare:

17 (1) an overview, looking ten years ahead, of future requirements for
18 telecommunications services, considering services needed for economic
19 development, technological advances, and other trends and factors which, as
20 determined by the Department of Public Service, will significantly affect State
21 telecommunications policy and programs;

1 (2) a survey of Vermont residents and businesses, conducted in
2 cooperation with the Agency of Commerce and Community Development ~~and~~
3 ~~the Division for Connectivity~~, to determine what telecommunications services
4 are needed now and in the succeeding ten years;

5 (3) an assessment of the current state of telecommunications
6 infrastructure;

7 (4) an assessment, conducted in cooperation with the Department of
8 Innovation and Information and the ~~Division for Connectivity~~ Agency of
9 Transportation, of the current State telecommunications system and evaluation
10 of alternative proposals for upgrading the system to provide the best available
11 and affordable technology for use by government; and

12 (5) an assessment of the state of telecommunications networks and
13 services in Vermont relative to other states, including price comparisons for
14 key services and comparisons of the state of technology deployment.

15 (c) In developing the Plan, the Department shall take into account the State
16 telecommunications policies and goals of section 202c of this title.

17 (d) In establishing plans, public hearings shall be held and the Department
18 shall consult with members of the public, representatives of
19 telecommunications utilities with a certificate of public good, other providers,
20 including the Vermont Electric Power Co., Inc. (VELCO), and other interested
21 State agencies, particularly the Agency of Commerce and Community

1 Development, ~~the Division for Connectivity,~~ the Agency of Transportation,
2 and the Department of Innovation and Information, whose views shall be
3 considered in preparation of the Plan. To the extent necessary, the Department
4 shall include in the Plan surveys to determine existing, needed, and desirable
5 plant improvements and extensions, access and coordination between
6 telecommunications providers, methods of operations, and any change that will
7 produce better service or reduce costs. To this end, the Department may
8 require the submission of data by each company subject to supervision by the
9 Public Service Board.

10 (e) Before adopting a Plan, the Department shall conduct public hearings
11 on a final draft and shall consider the testimony presented at such hearings in
12 preparing the final Plan. At least one hearing shall be held jointly with
13 Committees of the General Assembly designated by the General Assembly for
14 this purpose. The Plan shall be adopted by September 1, 2014, and then
15 reviewed and updated as provided in subsection (f) of this section.

16 (f) The Department, from time to time, but in no event less than every three
17 years, shall institute proceedings to review a the Plan and make revisions,
18 where necessary. The three-year major review shall be made according to the
19 procedures established in this section for initial adoption of the Plan. For good
20 cause or upon request by a Joint Resolution passed by the General Assembly,
21 an interim review and revision of any section of the Plan may be made after

1 conducting public hearings on the interim revision. At least one hearing shall
2 be held jointly with Committees of the General Assembly designated by the
3 General Assembly for this purpose.

4 (g) The Department shall review and update the minimum technical service
5 characteristic objectives not less than every three years beginning in 2017. In
6 the event such review is conducted separately from an update of the Plan, the
7 Department shall issue revised minimum technical service characteristic
8 objectives as an amendment to the Plan.

9 Sec. 4. 30 V.S.A. § 202e is added to read:

10 § 202e. TELECOMMUNICATIONS AND CONNECTIVITY

11 (a) Among other powers and duties specified in this title, the Department of
12 Public Service, through the Division for Telecommunications and
13 Connectivity, shall promote:

14 (1) access to affordable broadband service to all residences and
15 businesses in all regions of the State, to be achieved in a manner that is
16 consistent with the State Telecommunications Plan;

17 (2) universal availability of mobile telecommunication services,
18 including voice and high-speed data along roadways, and near universal
19 availability statewide;

20 (3) investment in telecommunications infrastructure in the State that
21 creates or completes the network for service providers to create last-mile

1 connection to the home or business and supports the best available and
2 economically feasible service capabilities;

3 (4) the continuous upgrading of telecommunications and broadband
4 infrastructure in all areas of the State to reflect the rapid evolution in the
5 capabilities of available broadband and mobile telecommunications
6 technologies, the capabilities of broadband and mobile telecommunications
7 services needed by persons, businesses, and institutions in the State; and

8 (5) the most efficient use of both public and private resources through
9 State policies by encouraging the development, funding, and implementation
10 of open access telecommunications infrastructure.

11 (b) To achieve the goals specified in subsection (a) of this section, the
12 Division shall:

13 (1) provide resources to local, regional, public, and private entities in the
14 form of grants, technical assistance, coordination, and other incentives;

15 (2) prioritize the use of existing buildings and structures, historic or
16 otherwise, as sites for visually-neutral placement of mobile
17 telecommunications and wireless broadband antenna facilities;

18 (3) inventory and assess the potential to use federal radio frequency
19 licenses held by instrumentalities of the State to enable broadband service in
20 unserved areas of the State; take steps to promote the use of those licensed
21 radio frequencies for that purpose; and recommend to the General Assembly

1 any further legislative measures with respect to ownership, management, and
2 use of these licenses as would promote the general good of the State;

3 (4) coordinate telecommunications initiatives among Executive Branch
4 agencies, departments, and offices;

5 (5) identify the types and locations of infrastructure and services needed
6 to carry out the goals stated in subsection (a) of this section;

7 (6) formulate, with the advice and assistance of the Telecommunications
8 and Connectivity Board and with input from the Regional Planning
9 Commissions, an action plan that conforms with the State Telecommunications
10 Plan, as updated and revised, and carries out the goals stated in subsection (a)
11 of this section;

12 (7) coordinate the agencies of the State to make public resources
13 available to support the extension of broadband and mobile
14 telecommunications infrastructure and services to all unserved and
15 underserved areas;

16 (8) support and facilitate initiatives to extend the availability of
17 broadband and mobile telecommunications, and promote development of the
18 infrastructure that enables the provision of these services;

19 (9) work cooperatively with the Agency of Transportation and the
20 Department of Buildings and General Services to assist in making available
21 transportation rights-of-way and other State facilities and infrastructure for

1 telecommunications projects in conformity with applicable federal statutes and
2 regulations; and

3 (10) receive all technical and administrative assistance as deemed
4 necessary by the Director for Telecommunications and Connectivity.

5 (c)(1) The Director may request from telecommunications service
6 providers voluntary disclosure of information regarding deployment of
7 broadband, telecommunications facilities, or advanced metering infrastructure
8 that is not publicly funded. Such information may include data identifying
9 projected coverage areas, projected average speed of service, service type, and
10 the anticipated date of completion in addition to identifying the location and
11 routes of proposed cables, wires, and telecommunications facilities.

12 (2) The Director may enter into a nondisclosure agreement with respect
13 to any voluntary disclosures under this subsection, and the information
14 disclosed pursuant thereto shall remain confidential. Alternatively, entities that
15 voluntarily provide information requested under this subsection may select a
16 third party to be the recipient of such information. The third party may
17 aggregate information provided by the entities, but shall not disclose
18 provider-specific information it has received under this subsection to any
19 person, including the Director. The third party shall only disclose the
20 aggregated information to the Director. The Director may publicly disclose
21 aggregated information based upon the information provided under this

1 subsection. The confidentiality requirements of this subsection shall not affect
2 whether information provided to any agency of the State or a political
3 subdivision of the State pursuant to other laws is or is not subject to disclosure.

4 (d) The Division shall only promote the expansion of broadband services
5 that offer actual speeds that meet or exceed the minimum technical service
6 characteristic objectives contained in the State’s Telecommunications Plan.

7 (e) Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year,
8 the Director, with the advice and assistance of the Telecommunications and
9 Connectivity Board, shall submit a report of its activities pursuant to this
10 section and duties of title 30 V.S.A. subsection 202f (f) for the preceding fiscal
11 year to the General Assembly. Each report shall include an operating and
12 financial statement covering the Division’s operations during the year,
13 including a summary of all grant awards and contracts and agreements entered
14 into by the Division, as well as the action plan required under subdivision
15 (b)(6) of this section. In addition, the report shall include an accurate map and
16 narrative description of each of the following:

17 (1) the areas served and the areas not served by broadband that has a
18 download speed of at least 4 Mbps and an upload speed of at least 1 Mbps, and
19 cost estimates for providing such service to unserved areas;

20 (2) the areas served and the areas not served by broadband that has a
21 download speed of at least 25 Mbps and an upload speed of at least 3 Mbps, or

1 as defined by the FCC in its annual report to Congress required by section 706
2 of the Telecommunications Act of 1996, whichever is higher, and the cost
3 estimates for providing such service to unserved areas;

4 (3) the areas served and the areas not served by broadband that has a
5 download speed of at least 100 Mbps and is symmetrical, and the cost
6 estimates for providing such service to unserved areas; and

7 (4) if monetarily feasible, the areas served and the areas not served by
8 wireless communications service, and cost estimates for providing such service
9 to unserved areas.

10 Sec. 5. 30 V.S.A. § 202f is added to read:

11 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY

12 BOARD

13 (a) There is created a Telecommunications and Connectivity Advisory
14 Board for the purpose of making recommendations to the Commissioner of
15 Public Service regarding his or her telecommunications responsibilities and
16 duties as provided in this section. The Connectivity Advisory Board shall
17 consist of eight members, seven voting and one nonvoting, selected as follows:

18 (1) the State Treasurer or designee;

19 (2) the Secretary of Commerce and Community Development or
20 designee;

1 (3) five at-large members appointed by the Governor, who shall not be
2 employees or officers of the State at the time of appointment; and

3 (4) the Secretary of Transportation or designee, who shall be a
4 nonvoting member.

5 (b) A quorum of the Connectivity Advisory Board shall consist of four
6 voting members. No action of the Board shall be considered valid unless the
7 action is supported by a majority vote of the members present and voting and
8 then only if at least four members vote in favor of the action. The Governor
9 shall select, from among the at-large members, a Chair and Vice Chair.

10 (c) In making appointments of at-large members, the Governor shall give
11 consideration to citizens of the State with knowledge of telecommunications
12 technology, telecommunications regulatory law, transportation rights-of-way
13 and infrastructure, finance, environmental permitting, and expertise regarding
14 the delivery of telecommunications services in rural, high-cost areas.
15 However, the five at-large-members may not be persons with a financial
16 interest in or owners or employees of an enterprise that provides broadband or
17 cellular service or that is seeking in-kind or financial support from the
18 Department of Public Service. The conflict of interest provision in this
19 subsection shall not be construed to disqualify a member who has ownership in
20 a mutual fund, exchange traded fund, pension plan, or similar entity that owns
21 shares in such enterprises as part of a broadly diversified portfolio. The at-

1 large members shall serve terms of two years beginning on February 1 in odd-
2 numbered years, and until their successors are appointed and qualified.
3 However, three of the five at-large members first appointed by the Governor
4 shall serve an initial term of three years. Vacancies shall be filled for the
5 balance of the unexpired term. A member may be reappointed for up to three
6 consecutive terms. Upon completion of a term of service for any reason,
7 including the term's expiration or a member's resignation, and for one year
8 from the date of such completion, a former Board member shall not advocate
9 before the Connectivity Board, Department of Public Service, or the Public
10 Service Board on behalf of an enterprise that provides broadband or cellular
11 service.

12 (d) Except for those members otherwise regularly employed by the State,
13 the compensation of the Board's members is that provided by 32 V.S.A.
14 § 1010(a). All members of the Board, including those members otherwise
15 regularly employed by the State, shall receive their actual and necessary
16 expenses when away from home or office upon their official duties.

17 (e) In performing its duties, the Connectivity Advisory Board may use the
18 legal and technical resources of the Department of Public Service. The
19 Department of Public Service shall provide the Board with administrative
20 services.

21 (f) The Connectivity Advisory Board shall:

1 (1) have review and nonbinding approval authority with respect to the
2 awarding of grants under the Connectivity Initiative. The Commissioner shall
3 have sole authority to make the final decision on grant awards, as provided in
4 subsection (g) of this section.

5 (2) function in an advisory capacity to the Commissioner on the
6 development of State telecommunications policy and planning, including the
7 action plan required under subdivision 202e(b)(6) of this chapter and the State
8 Telecommunications Plan.

9 (3) annually advise the Commissioner on the development of requests
10 for proposals under the Connectivity Initiative.

11 (4) annually provide the Commissioner with recommendations for the
12 apportionment of funds to the High-Cost Program and the Connectivity
13 Initiative.

14 (5) annually provide the Commissioner with recommendations on the
15 appropriate Internet access speeds for publicly funded telecommunication and
16 connectivity projects.

17 (g) The Commissioner shall make an initial determination as to whether a
18 proposal submitted under the Connectivity Initiative meets the criteria of the
19 request for proposals. The Commissioner shall then provide the Connectivity
20 Advisory Board a list of all eligible proposals and recommendations. The
21 Connectivity Advisory Board shall review the recommendations of the

1 Commissioner and may review any proposal submitted, as it deems necessary,
2 and either approve or disapprove each recommendation and may make new
3 recommendations for the Commissioner’s final consideration. The
4 Commissioner shall have final decision-making authority with respect to the
5 awarding of grants under the Connectivity Initiative. If the Commissioner
6 does not accept a recommendation of the Board, he or she shall provide the
7 Board with a written explanation for such decision.

8 (h) On September 15, 2015, and annually thereafter, the Commissioner
9 shall submit to the Connectivity Advisory Board an accounting of monies in
10 the Connectivity Fund and anticipated revenue for the next year. On or before
11 January 1 of each year, the Commissioner, after consulting with the
12 Connectivity Advisory Board, shall recommend to the relevant legislative
13 committees of jurisdiction a plan for apportioning such funds to the High-Cost
14 Program and the Connectivity Initiative.

15 (i) The Chair shall call the first meeting of the Connectivity Advisory
16 Board. The Chair or a majority of Board members may call a Board meeting.
17 The Board may meet up to six times a year.

18 (j) At least annually, the Connectivity Advisory Board and the
19 Commissioner or designee shall jointly hold a public meeting to review and
20 discuss the status of State telecommunications policy and planning, the
21 Telecommunications Plan, the Connectivity Fund, the Connectivity Initiative,

1 the High-Cost Program, and any other matters they deem necessary to fulfill
2 their obligations under this section.

3 (k) Information and materials submitted by a telecommunications service
4 provider concerning confidential financial or proprietary information shall be
5 exempt from public inspection and copying under the Public Records Act, nor
6 shall any information that would identify a provider who has submitted a
7 proposal under the Connectivity Initiative be disclosed without the consent of
8 the provider, unless a grant award has been made to that provider. Nothing in
9 this subsection shall be construed to prohibit the publication of statistical
10 information, determinations, reports, opinions, or other information so long as
11 the data are disclosed in a form that cannot identify or be associated with a
12 particular telecommunications service provider.

13 Sec. 6. CREATION OF POSITIONS; TRANSFER OF VACANT

14 POSITIONS; REEMPLOYMENT RIGHTS; TRANSITIONAL
15 PROVISIONS

16 (a) Up to three additional exempt full-time positions are created within the
17 Division for Telecommunications and Connectivity, as deemed necessary by
18 the Secretary of Administration.

19 (b) The positions created under subsection (a) of this section shall only be
20 filled to the extent there are existing vacant positions in the Executive Branch
21 available to be transferred and converted to the new positions in the Division

1 for Telecommunications and Connectivity, as determined by the Secretary of
2 Administration and the Commissioner of Human Resources, so that the total
3 number of authorized positions in the State shall not be increased by this act.

4 (c) All full-time personnel of the Vermont Telecommunications Authority
5 (VTA) employed by the VTA on the day immediately preceding the effective
6 date of this act who do not obtain a position in the Division for
7 Telecommunications and Connectivity pursuant to subsection (a) of this
8 section shall be entitled to the same reemployment or recall rights available to
9 nonmanagement State employees under the existing collective bargaining
10 agreement entered into between the State and the Vermont State Employees’
11 Association.

12 (d) The Department of Public Service shall assume possession and
13 responsibility for all assets and liabilities of the VTA.

14 (e) The VTA shall not enter into any new contracts without the approval of
15 the Commissioner of Public Service.

16 * * * Universal Service Fund * * *

17 Sec. 7. 30 V.S.A. § 7503 is amended to read:

18 § 7503. FISCAL AGENT

19 (a) A fiscal agent shall be selected to receive and distribute funds under this
20 chapter.

1 (b) The fiscal agent shall be selected by the ~~Public Service Board~~
2 Commissioner of Public Service after competitive bidding. No
3 telecommunications service provider shall be eligible to be the fiscal agent.
4 The duties of the fiscal agent shall be determined by a contract with a term not
5 greater than three years.

6 (c) In order to finance grants and other expenditures that have been
7 approved by the ~~Public Service Board~~ Commissioner of Public Service, the
8 fiscal agent may borrow money from time to time in anticipation of receipts
9 during the current fiscal year. No such note shall have a term of repayment in
10 excess of one year, but the fiscal agent may pledge its receipts in the current
11 and future years to secure repayment. Financial obligations of the fiscal agent
12 are not guaranteed by the State of Vermont.

13 (d) The fiscal agent shall be audited annually by a certified public
14 accountant in a manner determined by and under the direction of the ~~Public~~
15 ~~Service Board~~ Commissioner of Public Service.

16 (e) The financial accounts of the fiscal agent shall be available at
17 reasonable times to any telecommunications service provider in this State. The
18 ~~Public Service Board~~ Commissioner of Public Service may investigate the
19 accounts and practices of the fiscal agent and may enter orders concerning the
20 same.

1 (f) The fiscal agent acts as a fiduciary and holds funds in trust for the
2 ratepayers until the funds have been disbursed as provided pursuant to ~~sections~~
3 ~~7511 through 7515~~ section 7511 of this chapter.

4 Sec. 8. REPEAL

5 30 V.S.A. § 7515a (additional program support for Executive Branch
6 activities) is repealed.

7 Sec. 9. 30 V.S.A. § 7511 is amended to read:

8 § 7511. DISTRIBUTION GENERALLY

9 (a)(1) As directed by the ~~Public Service Board~~ Commissioner of Public
10 Service, funds collected by the fiscal agent, and interest accruing thereon, shall
11 be distributed as follows:

12 ~~(1)(A)~~ to pay costs payable to the fiscal agent under its contract with the
13 ~~Board~~ Commissioner;

14 ~~(2)(B)~~ to support the Vermont telecommunications relay service in the
15 manner provided by section 7512 of this title;

16 ~~(3)(C)~~ to support the Vermont Lifeline program in the manner provided
17 by section 7513 of this title;

18 ~~(4)(D)~~ to support Enhanced-911 services in the manner provided by
19 section 7514 of this title; and

20 ~~(5)(E)~~ to support the Connectivity Fund established in section 7516 of
21 ~~this chapter; and~~ of this title; and

1 (2) For fiscal year 2016 only, any personnel or administrative costs
2 associated with the Connectivity Initiative shall come from the Connectivity
3 Fund, as determined by the Commissioner in consultation with the
4 Connectivity Board.

5 (b) If insufficient funds exist to support all of the purposes contained in
6 subsection (a) of this section, the ~~Board~~ Commissioner shall ~~conduct an~~
7 ~~expedited proceeding to~~ allocate the available funds, giving priority in the
8 order listed in subsection (a).

9 Sec. 9a. FUNDING FOR CONNECTIVITY PERSONNEL; GROSS

10 RECEIPTS TAX

11 Not later than January 15, 2016, the Commissioner shall determine whether
12 the revenues raised from the existing gross receipts tax on public service
13 companies, 30 V.S.A. § 22, is sufficient to finance the personnel and
14 administrative costs associated with the Connectivity Initiative, beginning in
15 fiscal year 2017. If the Commissioner determines the revenues are not
16 sufficient for this purpose, he or she shall recommend to the General Assembly
17 either:

18 (1) a new rate of tax applicable to one or more categories of public
19 service companies, as he or she deems necessary and appropriate; or

20 (2) a proposal to fund such personnel and administrative costs with
21 monies in the Connectivity Fund.

1 Sec. 10. 30 V.S.A. § 7516 is amended to read:

2 § 7516. CONNECTIVITY FUND

3 There is created a Connectivity Fund for the purpose of providing support
4 to the High-Cost Program established under section 7515 of this chapter and
5 the Connectivity Initiative established under section 7515b of this chapter.

6 The fiscal agent shall determine annually, on or before September 1, the
7 amount of monies available to the Connectivity Fund. Such funds shall be
8 apportioned ~~equally~~ as follows: 45 percent to the High-Cost Program and
9 55 percent to the Connectivity Initiative ~~referenced in this section~~.

10 Sec. 11. 30 V.S.A. § 7515 is amended to read:

11 § 7515. HIGH-COST PROGRAM

12 (a) The Universal Service Charge shall be used as a means of keeping basic
13 telecommunications service affordable in all parts of this State, thereby
14 maintaining universal service, and as a means of supporting access to
15 broadband service in all parts of the State.

16 (b) The Public Service Board, after review of a petition of a company
17 holding a certificate of public good to provide telecommunications service in
18 Vermont, and upon finding that the company meets all requirements for
19 designation as an “eligible telecommunications carrier” as defined by the FCC,
20 may designate the company as a Vermont-eligible telecommunications carrier
21 (VETC).

1 (c) The supported services a designated VETC must provide are voice
2 telephony services, as defined by the FCC, and broadband Internet access,
3 directly or through an affiliate. A VETC receiving support under this section
4 shall use that support for capital improvements in high cost areas, as defined in
5 subsection (f) of this section, to build broadband capable networks.

6 (d) The Board may designate multiple VETCs for a single high cost area,
7 but each designated VETC shall:

8 (1) offer supported services to customers at all locations throughout the
9 ~~service~~ high cost area or areas for which it has been designated; and

10 (2) for its voice telephone services, meet service quality standards set by
11 the Board.

12 (e) A VETC shall receive support as defined in subsection (i) of this
13 section from the fiscal agent of the Vermont Universal Service Fund for each
14 telecommunications line in service or service location, whichever is greater in
15 number, in each high cost area it services. Such support may be made in the
16 form of a net payment against the carrier's liability to the Fund. If multiple
17 VETCs are designated for a single area, then each VETC shall receive support
18 for each line it has in service.

19 (f) As used in this section, a Vermont telephone exchange is a "high cost
20 area" if the exchange is served by a rural telephone company, as defined by
21 federal law, or if the exchange is designated as a rural exchange in the

1 wholesale tariff of a regional bell operating company (RBOC), as defined by
2 the FCC, or of a successor company to an RBOC. An exchange is not a high
3 cost area if the Public Service Board finds that the supported services are
4 available to all locations throughout the exchange from at least two service
5 providers.

6 (g) Except as provided in subsection (h) of this section, a VETC shall
7 provide broadband Internet access at speeds no lower than 4 Mbps download
8 and 1 Mbps upload in each high cost area it serves within five years of
9 designation. A VETC need not provide broadband service to a location that
10 has service available from another service provider, as determined by the
11 Department of Public Service.

12 (h) The Public Service Board may modify the build out requirements of
13 subsection (d) of this section as it relates to broadband Internet access to be the
14 geographic area that could be reached using one-half of the funds to be
15 received over five years. A VETC may seek such waiver of the build out
16 requirements ~~in subsection (e)~~ within one year of designation and shall
17 demonstrate the cost of meeting broadband Internet access requirements on an
18 exchange basis and propose an alternative build out plan.

19 (i) The amount of the monthly support under this section shall be the pro
20 rata share of available funds ~~as provided in subsection (e) of this section~~ based
21 on the total number of incumbent local exchange carriers in the State and

1 reflecting each carrier's lines in service or service locations in its high-cost
2 area or areas, as determined under subsection (e) of this section. If an
3 incumbent local exchange carrier does not petition the Board for VETC
4 designation, or is found ineligible by the Board, the share of funds it otherwise
5 would have received under this section shall be used to support the
6 Connectivity Initiative established in section 7515b of this chapter.

7 (j) The Public Service Board shall adopt by rule standards and procedures
8 for ensuring projects funded under this section are not competitive overbuilds
9 of existing wired telecommunications services.

10 (k) Each VETC shall submit certification that it is meeting the
11 requirements of this section and an accounting of how it expended the funds
12 received under this section in the previous calendar year, with its annual report
13 to the Department of Public Service. For good cause shown, the Public
14 Service Board may investigate submissions required by this subsection and
15 may revoke a company's designation if it finds that the company is not
16 meeting the requirements of this subsection.

17 Sec. 12. 30 V.S.A. § 7515b is amended to read:

18 § 7515b. CONNECTIVITY INITIATIVE

19 (a) The purpose of the Connectivity Initiative is to provide each service
20 location in Vermont access to Internet service that is capable of speeds of at
21 least-4 10 Mbps download and 1 Mbps upload, or the FCC speed requirements

1 established under Connect America Fund Phase II, whichever is higher,
2 beginning with locations not served as of December 31, 2013 according to the
3 minimum technical service characteristic objectives applicable at that time.
4 Within this category of service locations, priority shall be given first to
5 unserved and then to underserved locations. As used in this section,
6 “unserved” means a location having access to only satellite or dial-up Internet
7 service and “underserved” means a location having access to Internet service
8 with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps
9 download and 1 Mbps upload. Any new services funded in whole or in part by
10 monies ~~in this Fund~~ from this Initiative shall be capable of being continuously
11 upgraded to reflect the best available, most economically feasible service
12 capabilities.

13 (b) The Department of Public Service shall publish annually a list of census
14 blocks eligible for funding based on the Department’s most recent broadband
15 mapping data. The Department annually shall solicit proposals from service
16 providers, ~~the Vermont Telecommunications Authority, and the Division for~~
17 ~~Connectivity~~ to deploy broadband to eligible census blocks. The Department
18 shall give priority to proposals that reflect the lowest cost of providing services
19 to unserved and underserved locations; however, the Department also shall
20 consider:

- 1 (1) the proposed data transfer rates and other data transmission
- 2 characteristics of services that would be available to consumers;
- 3 (2) the price to consumers of services;
- 4 (3) the proposed cost to consumers of any new construction, equipment
- 5 installation service, or facility required to obtain service;
- 6 (4) whether the proposal would use the best available technology that is
- 7 economically feasible;
- 8 (5) the availability of service of comparable quality and speed; and
- 9 (6) the objectives of the State’s Telecommunications Plan.

10 * * * 248a; Meteorological Station Conversions * * *

11 Sec. 13. 30 V.S.A. § 246(e) is added to read:

12 (e) Notwithstanding any contrary provisions of this section, the holder of a
13 certificate of public good for a constructed meteorological station may apply
14 under section 248a of this title or 10 V.S.A. chapter 151 to convert the station
15 to a wireless telecommunications facility, provided the application is filed at
16 least 90 days before the expiration of the certificate for the station. Any such
17 application shall constitute a new application to be reviewed under the facts
18 and circumstances as they exist at the time of the review.

19 * * * Agency of Transportation; State-owned Rights-of-Way; Leasing;

20 Telecommunications Providers * * *

21 Sec. 14. 19 V.S.A. § 26a is amended to read:

1 § 26A. DETERMINATION OF RENT TO BE CHARGED FOR LEASING
2 OR LICENSING STATE-OWNED PROPERTY UNDER THE
3 AGENCY’S JURISDICTION

4 * * *

5 (b) Unless otherwise required by federal law, the Agency shall assess,
6 collect, and deposit in the Transportation Fund a reasonable charge or payment
7 with respect to leases or licenses for access to or use of State-owned rights-of-
8 way by providers of broadband or wireless communications facilities or
9 services. ~~The Vermont Telecommunications Authority, established by 30~~
10 ~~V.S.A. chapter 91, Agency~~ may waive such charge or payment in whole or in
11 part if the provider offers to provide comparable value to the State so as to
12 meet the public good as determined by the ~~Authority~~ Agency and the
13 Department of Public Service. For the purposes of this section, the terms
14 “comparable value to the State” shall be construed broadly to further the
15 State’s interest in ubiquitous broadband and wireless service availability at
16 reasonable cost. Any waiver of charges or payments for comparable value to
17 the State granted by the ~~Authority~~ Agency may not exceed five years.
18 Thereafter, the ~~Authority~~ Agency may extend any waiver granted for an
19 additional period not to exceed five years if the ~~Authority~~ Agency makes
20 affirmative written findings demonstrating that the State has received and will
21 continue to receive value that is comparable to the value to the provider of the

1 waiver, or it may revise the terms of the waiver in order to do so. ~~The~~
2 ~~Authority, in consultation with the Agency of Transportation, shall adopt rules~~
3 ~~under 3 V.S.A. chapter 25 to implement this section. For the purpose of~~
4 ~~establishing rules to implement 30 V.S.A. chapter 91 by July 1, 2007, or as~~
5 ~~soon thereafter as possible, the authority is authorized to adopt initial rules~~
6 ~~under this section using emergency rulemaking procedures of 3 V.S.A. chapter~~
7 ~~25. Any emergency rules initially adopted may remain in effect longer than~~
8 ~~120 days, but in no event shall they remain in effect for more than six months.~~

9 * * *

10 * * * Retransmission Fees; Reporting * * *

11 Sec. 15. 30 V.S.A. § 518 is amended to read:

12 § 518. RETRANSMISSION FEES; REPORTING

13 (a) Purpose. The purpose of this section is to provide the Attorney General
14 with information necessary to investigate certain conduct within the cable and
15 broadcast network industries to determine whether unfair methods of
16 competition ~~or unfair or deceptive acts or practices~~ are occurring in violation
17 of 9 V.S.A. chapter 63.

18 (b) Reporting. Annually, beginning on January 1, 2015, each commercial
19 broadcasting station doing business with a Vermont cable company shall report
20 to the Attorney General any fees charged for program content retransmitted on

1 the cable network under a retransmission consent agreement entered into
2 pursuant to 47 U.S.C. § 325, for the prior calendar year.

3 (c) Investigations. The Attorney General may investigate retransmission
4 fees charged by commercial broadcasting stations, pursuant to his or her
5 investigatory powers established under 9 V.S.A. chapter 63.

6 (d) Public disclosure. The information received ~~under this section~~ by the
7 Attorney General under subsection (b) of this section ~~shall be disclosed to the~~
8 ~~public at a time and in a manner determined by the Attorney General to be~~
9 ~~consistent with and permitted by the Public Records Act and relevant~~
10 ~~provisions of federal law~~ shall be kept confidential and is exempt from public
11 inspection and copying under the Public Records Act, unless otherwise ordered
12 by a court.

13 (e) Enforcement. A violation of this section constitutes ~~an unfair and~~
14 ~~deceptive act and practice in commerce~~ unfair competition under 9 V.S.A. §
15 2453.

16 (f) The Attorney General may adopt rules he or she deems necessary to
17 implement this section. The rules, as well as any finding of unfair ~~or deceptive~~
18 ~~practices~~ competition with regard to retransmission consent fees, shall not be
19 inconsistent with the rules, regulations, and decisions of the Federal
20 Communications Commission and the federal courts interpreting the
21 Communications Act of 1934, as amended.

1 * * * E-911 System; Operations; Savings * * *

2 Sec. 16. E-911 OPERATIONS AND SAVINGS

3 (a) The General Assembly finds as follows:

4 (1) 2014 Acts and Resolves No. 190, Sec. 24 directed the Secretary of
5 Administration to submit a report to the General Assembly proposing a plan
6 for transferring the responsibilities and powers of the Enhanced 911 Board,
7 including necessary positions, to either the Division for Connectivity, the
8 Department of Public Service, or the Department of Public Safety.

9 (2) The plan was to include budgetary recommendations, striving to
10 achieve annual operational savings of at least \$300,000.00, as well as enhanced
11 coordination and efficiency, and reduction in operational redundancies.

12 (3) On December 15, 2014, the Secretary of Administration made a
13 recommendation to the General Assembly to transfer responsibilities and
14 powers of the Enhanced 911 Board to the Department of Public Safety. In the
15 report, the Secretary estimated that such transfer could be expected to save
16 between \$210,000.00 and \$350,000.00 each year on an ongoing basis by virtue
17 of personal services savings.

18 (4) During the 2015 legislative session, a representative of the Enhanced
19 911 Board testified before the Senate Committee on Appropriations that the
20 Board's current, administrative expenses could be reduced by approximately
21 \$300,000.00.

1 (b) By July 1, 2015, the administration of the Vermont Enhanced 911
2 system shall be transferred to the Department of Public Safety, as provided in
3 Secs. 17, 18, and 19 of this act; or, if such transfer does not occur, then in
4 fiscal year 2016, not less than \$300,000.00 shall be transferred from the
5 Enhanced 911 Fund to the General Fund to offset E-911-eligible costs incurred
6 by the Department of Public Safety, and not less than one, full-time employee
7 position in the Enhanced 911 system shall be eliminated.

8 Sec. 17. 20 V.S.A. § 1811 is amended to read:

9 § 1811. CREATION OF DEPARTMENT

10 There is ~~hereby~~ created a ~~department of public safety~~ Department of Public
11 Safety for the purpose of consolidating certain existing police and investigating
12 agencies, to promote the detection and prevention of crime generally, ~~and~~ to
13 participate in searches for lost or missing persons, ~~and~~ to assist in case of
14 statewide or local disasters or emergencies, and to administer the statewide
15 Enhanced 911 system established under 30 V.S.A. chapter 87.

16 Sec. 18. 20 V.S.A. § 1872 is amended to read:

17 § 1872. DUTIES OF COMMISSIONER GENERALLY

18 The ~~commissioner shall be~~ Commissioner is the chief enforcement officer
19 of all the statutes, rules, and regulations pertaining to the law of the road and
20 the display of lights on vehicles. In addition, the ~~commissioner~~ Commissioner
21 shall supervise and direct the activities of the ~~state police~~ State Police and of

1 the Vermont ~~criminal information center~~ Crime Information Center and, as fire
2 marshal, ~~be responsible for enforcing~~ shall enforce the laws pertaining to the
3 investigation of fires, the prevention of fires, the promotion of fire safety, and
4 the delivery of fire service training. In addition, the Commissioner shall
5 administer the statewide Enhanced 911 system established under 30 V.S.A.
6 chapter 87.

7 Sec. 19. 30 V.S.A. chapter 87 is amended to read:

8 CHAPTER 87. ENHANCED 911; EMERGENCY SERVICES

9 § 7051. DEFINITIONS

10 As used in this chapter:

11 (1) “Automatic location identification” or “ALI” means the system
12 capability to identify automatically the geographical location of the electronic
13 device being used by the caller to summon assistance and to provide that
14 location information to an appropriate device located at any public safety
15 answering point for the purpose of sending emergency assistance.

16 (2) ALI “database” means a derivative, verified set of records ~~which~~ that
17 contain at a minimum a telephone number and location identification for each
18 unique building or publicly used facility within a defined geographic area in
19 Vermont.

1 (3) “Automatic number identification” or “ANI” means the system
2 capability to identify automatically the calling telephone number and to
3 provide a display of that number at any public safety answering point.

4 (4) “Board” means the Vermont Enhanced 911 Advisory Board
5 established under section 7053 of this ~~title~~ chapter.

6 (5) “Caller” means a person or an automated device calling on behalf of
7 a person.

8 (6) “Commissioner” means the Commissioner of Public Safety.

9 (7) “Director” means the Director for statewide Enhanced 911.

10 ~~(7)~~(8) “Emergency call system” or “Enhanced 911 system” means a
11 system consisting of devices with the capability to determine the location and
12 identity of a caller that initiates communication for the purpose of summoning
13 assistance in the case of an emergency. In most cases summoning assistance
14 will occur when a caller dials the digits 9-1-1 on a telephone, mobile phone, or
15 other IP-enabled service, or by a communication technology designed for the
16 purpose of summoning assistance in the case of an emergency.

17 ~~(8)~~(9) “Emergency services” means fire, police, medical, and other
18 services of an emergency nature as identified by the ~~Board~~ Commissioner.

19 ~~(9)~~(10) “IP-enabled service” means a service, device, or application that
20 makes use of Internet protocol, or IP, and ~~which~~ that is capable of entering the
21 digits 9-1-1 or otherwise contacting the ~~emergency~~ Enhanced 911 system.

1 IP-enabled service includes voiceover IP and other services, devices, or
2 applications provided through or using wire line, cable, wireless, ~~or~~ satellite, or
3 other facilities.

4 ~~(10)~~(11) “Municipality” means any city, town, incorporated village,
5 unorganized town, gore, grant, or other political subdivision of the State.

6 ~~(11)~~(12) “Other methods of locating caller” means those commercially
7 available technologies designed to provide the location information of callers
8 when a call is initiated to access emergency 911 services regardless of the type
9 of device ~~that is~~ used.

10 ~~(12)~~(13) “Public safety answering point” means a facility with the
11 capability to receive emergency calls, operated on a 24-hour basis, assigned the
12 responsibility of receiving 911 calls and dispatching, transferring, or relaying
13 emergency 911 calls to other public safety agencies or private safety agencies.

14 ~~(13)~~(14) “Selective routing” means a telecommunications switching
15 system that enables all 911 calls originating from within a defined
16 geographical region to be answered at a ~~pre-designated~~ predesignated public
17 service answering point.

18 § 7052. VERMONT ENHANCED 911 ADVISORY BOARD

19 (a) The Vermont Enhanced 911 Advisory Board is established to ~~develop,~~
20 ~~implement and supervise the operation~~ make recommendations to the

1 Commissioner regarding the development and implementation of the statewide
2 Enhanced 911 system.

3 (b) The Board shall consist of nine members: one county law enforcement
4 officer elected by the membership of the Vermont ~~State sheriff's association~~
5 Sheriff's Association; one municipal law enforcement officer elected by the
6 ~~chiefs of police association of Vermont~~ Association of Chiefs of Police; one
7 official of a municipality; a firefighter; an emergency medical services
8 provider; a Department of Public Safety representative; and three members of
9 the public. Board members shall be appointed by the Governor to three-year
10 terms, except that the Governor shall stagger initial appointments so that the
11 terms of no more than four members expire during a calendar year. In
12 appointing Board members, the Governor shall give due consideration to the
13 different geographical regions of the State; and the need for balance between
14 rural and urban areas. Board members shall serve at the pleasure of the
15 Governor.

16 (c) Members who are not State employees or not otherwise compensated in
17 the course of their employment shall receive per diem compensation and
18 expense reimbursement for meetings in accordance with the provisions of 32
19 V.S.A. § 1010. Members who receive per diem shall receive compensation for
20 no more than 12 meetings per year.

1 (d) The Governor shall annually appoint a member to serve as Board chair
2 and a member to serve as Board vice chair. The Board shall hold at least four
3 regular meetings a year. Meetings of the Board may be held at any time or
4 place within Vermont upon call of the Chair or a majority of the members,
5 after reasonable notice to the other members and shall be held at such times
6 and places as in the judgment of the Board will best serve the convenience of
7 all parties in interest. The Board shall adopt rules and procedures with respect
8 to the conduct of its meetings and other affairs. Membership on the Board
9 does not constitute the holding of an office for any purpose, and members of
10 the Board shall not be required to take and file oaths of office before serving
11 on the Board. A member of the Board shall not be disqualified from holding
12 any public office or employment, and shall not forfeit any office or
13 employment, by reason of ~~their~~ his or her appointment to the ~~board~~ Board,
14 notwithstanding any statute, ordinance, or charter to the contrary.

15 (e) The Board shall ~~appoint~~ recommend, subject to the approval of the
16 ~~Governor~~ Commissioner, an Executive Director who shall hold office at the
17 pleasure of the ~~Board~~ Commissioner. He or she shall perform such duties as
18 may be assigned by the ~~Board~~ Commissioner. The Executive Director is
19 entitled to compensation, as established by law, and reimbursement for the
20 expenses within the amounts available by appropriation. ~~The Executive~~

1 ~~Director may, with the approval of the Board, hire employees, agents, and~~
2 ~~consultants and prescribe their duties.~~

3 § 7053. ~~BOARD~~ BOARD COMMISSIONER; RESPONSIBILITIES AND POWERS

4 (a) ~~The Board shall be the single governmental agency~~ Commissioner is
5 responsible for statewide ~~enhanced~~ Enhanced 911. To the extent feasible, the
6 ~~Board~~ Commissioner shall consult with the ~~Agency~~ Secretary of Human
7 Services, the ~~Department of Public Safety, the Department~~ Commissioner of
8 Public Service, and local community service providers on the development of
9 policies, system design, standards, and procedures. ~~The Board~~ Commissioner
10 shall develop designs, standards, and procedures and shall adopt rules on the
11 following:

12 (1) the technical and operational standards for public safety
13 answering points;

14 (2) the system ~~data base~~ database, standards and procedures for
15 developing and maintaining the ~~data base~~ database. The system ~~data base~~
16 database shall be the property of the ~~Board~~ Department of the Public Safety;

17 (3) statewide, locatable means of identifying customer location, such as
18 addressing, geo-coding, or other methods of locating the caller; and

19 (4) standards and procedures to ensure system and ~~data base~~ database
20 security.

21 ~~(b) (d) [Repealed.]~~

1 ~~(e)~~(b) The ~~Board~~ Commissioner is authorized to:

2 (1) ~~to~~ make or cause to be made studies of any aspect of the ~~enhanced~~
3 Enhanced 911 system, including service, operations, training, ~~data base~~
4 database development, and public awareness;

5 (2) ~~to~~ accept and use in the name of the ~~state~~ State, subject to review and
6 approval by the ~~joint fiscal committee~~ Joint Fiscal Committee, any and all
7 donations or grants, both real and personal, from any governmental unit or
8 public agency or from any institution, person, firm, or corporation, consistent
9 with the rules established by the Board and the purpose or conditions of the
10 donation or grant; and

11 (3) ~~to~~ exercise all powers and conduct such activities as are necessary in
12 carrying out the ~~Board's~~ Commissioner's responsibilities in fulfilling the
13 purposes of this chapter.

14 ~~(f)~~(c) The ~~Board~~ Commissioner shall adopt such rules as are necessary to
15 carry out the purposes of this chapter, including, where appropriate, imposing
16 reasonable fines or sanctions against persons that do not adhere to applicable
17 ~~board~~ rules.

18 ~~(g), (h)~~ [Repealed.]

19 § 7054. FUNDING

20 (a) The Enhanced 911 Fund is created as a special fund subject to the
21 provisions of 32 V.S.A. chapter 7, subchapter 5. Balances in the Fund on

1 June 30 of each year shall carry forward and shall not revert to the
2 General Fund.

3 (b) The General Assembly shall annually review and approve an amount to
4 be transferred by the universal service fiscal agent to the Enhanced 911 Fund
5 and shall appropriate some or all of that amount for expenditures related to
6 providing Enhanced 911 services.

7 (c) Into the Enhanced 911 Fund shall be deposited monies transferred from
8 the universal service fiscal agent, any State or federal funds appropriated to the
9 Fund by the General Assembly, any taxes specifically required by law to be
10 deposited into the Fund, and any grants or gifts received by the State for the
11 benefit of the Enhanced 911 system.

12 (d) Disbursements from the Enhanced 911 Fund shall be made by the State
13 Treasurer on warrants drawn by the ~~Director~~ Commissioner solely for the
14 purposes specified in this chapter. The ~~Director~~ Commissioner may issue such
15 warrants pursuant to contracts or grants.

16 (e) Disbursements may be made for:

17 (1) nonrecurring costs, including establishing public safety answering
18 points, purchasing network equipment and software, developing ~~data bases~~
19 databases, and providing for initial training and public education;

1 (2) recurring costs, including network access fees and other telephone
2 charges, software, equipment, ~~data base~~ database management and
3 improvement, public education, ongoing training and equipment maintenance;

4 (3) expenses of the Board and the Department of Public ~~Service~~ Safety
5 incurred under this chapter;

6 (4) costs solely attributable to statewide public safety answering point
7 operations; and

8 (5) costs attributable to demonstration projects designed to enhance the
9 delivery of ~~emergency~~ Enhanced 911 and other emergency services.

10 (f) Disbursements may not be made for:

11 (1) personnel costs for emergency dispatch answering points;

12 (2) construction, purchase, renovation, or furnishings for buildings at
13 emergency dispatch points;

14 (3) two-way radios; and

15 (4) vehicles and associated equipment.

16 § 7055. TELECOMMUNICATIONS COMPANY COORDINATION

17 (a) Every telecommunications company under the jurisdiction of the Public
18 Service Board offering access to the public network shall make available, in
19 accordance with rules adopted by the Public Service Board, the universal
20 emergency telephone number 911 for use by the public in seeking assistance

1 from fire, police, medical, and other emergency service providers through a
2 public safety answering point.

3 (b) Every local exchange telecommunications provider shall provide the
4 ANI and any other information required by rules adopted under section 7053
5 of this ~~title~~ chapter to the ~~Board~~ Commissioner, or to any administrator of the
6 Enhanced 911 database, for purposes of maintaining the Enhanced 911
7 database. Each such provider ~~shall be~~ is responsible for updating the
8 information at a frequency specified by such rules. All persons receiving
9 confidential information under this section, as defined by the Public Service
10 Board, shall use it solely for the purposes of providing ~~emergency~~ Enhanced
11 911 services, and shall not disclose such confidential information for any
12 other purpose.

13 (c) Each local exchange telecommunications company, cellular company,
14 and mobile or personal communications service company within the State shall
15 designate a person to coordinate with and provide all relevant information to
16 the ~~E-911 Board~~ Commissioner and the Public Service Board ~~in~~ for carrying
17 out the purposes of the chapter.

18 (d) Wire line and nonwire cellular carriers certificated to provide service in
19 the ~~state~~ State shall provide ANI signaling ~~which~~ that identifies geographical
20 location as well as cell site address for cellular 911 calls. Personal
21 communications networks and any future mobile or personal communications

1 systems ~~shall also be~~ are also required to identify the location of the caller.

2 The telephone company shall provide ANI signaling ~~which~~ that identifies the
3 name of the carrier and identify the type of service as cellular, mobile, or
4 personal communications as part of the ALI along with a screen message that
5 advises the call answerer to verify the location of the reported emergency.

6 Telecommunication providers of mobile wireless, IP-enabled, and other
7 communication services ~~which~~ that have systems with the capability to send
8 data related to the location of the caller with the call or transmission instead of
9 relying on location data otherwise contained in the ALI database shall provide
10 this data with calls or transmissions for the sole purpose of enabling the
11 ~~emergency~~ Enhanced 911 system to locate an individual seeking emergency
12 services. Location data shall be provided in accordance with relevant national
13 standards for next generation ~~9-1-1~~ 911 technology.

14 (e) Each local exchange telecommunications provider in the State shall file
15 with the Public Service Board tariffs for each service element necessary for the
16 provision of ~~enhanced~~ Enhanced 911 services. The Public Service Board shall
17 review each company's proposed tariff, and shall ensure that tariffs for each
18 necessary basic service element are effective within six months of filing. The
19 ~~Department~~ Commissioner of Public Service, by rule or emergency rule, may
20 establish the basic service elements that each company must provide for in
21 tariffs. Such tariffs must be filed with the Public Service Board within 60 days

1 after the basic service elements are established by the ~~Department~~
2 Commissioner of Public Service.

3 § 7056. MUNICIPAL COOPERATION; ENHANCED ANI/ALI
4 CAPABILITY

5 (a) Each municipality, by its legislative body, may participate in the
6 Enhanced 911 system. 3 Municipalities choosing to participate shall identify
7 all building locations and other public and private locations frequented by the
8 public and shall cooperate in the development and maintenance of the
9 necessary databases. The ~~Board~~ Commissioner shall work with municipalities
10 to identify nonmonetary incentives designed to streamline and reduce the
11 administrative burdens imposed by this requirement. Any municipality that
12 changes its system for addresses shall ensure that the modified address system
13 is consistent with the standards established by the ~~Board~~ Commissioner.

14 (b) After the effective date of this chapter, any municipality that changes its
15 system for addresses shall ensure that the modified address system is consistent
16 with the standards established by the ~~Board~~ Commissioner.

17 ~~(e)-(e) [Repealed.]~~

18 § 7057. PRIVATELY OWNED TELEPHONE SYSTEMS

19 Any privately owned telephone system shall provide to those end users the
20 same level of 911 service that other end users receive and shall provide ANI
21 signaling, station identification data, and updates to Enhanced 911 databases

1 under rules adopted by the ~~Board~~ Commissioner. The ~~Board~~ Commissioner
2 may waive the provisions of this section for any privately owned telephone
3 system, provided that in the judgment of the ~~Board~~ Commissioner, the owner
4 of the system is actively engaged in becoming compliant with this section, is
5 likely to comply with this section in a reasonable amount of time, and will do
6 so in accordance with standards and procedures adopted ~~by the Board~~ by rule
7 by the Commissioner.

8 § 7058. PAY TELEPHONES

9 Each provider or other owner or lessee of a pay station telephone shall
10 permit a caller to dial 911 without first inserting a coin or paying any other
11 charge. The provider or other owner or lessee shall prominently display on
12 each notice advising callers to dial 911 in an emergency and that deposit of a
13 coin is not required.

14 § 7059. CONFIDENTIALITY OF SYSTEM INFORMATION

15 (a)(1) A person shall not access, use, or disclose to any other person any
16 individually identifiable information contained in the system database created
17 ~~under subdivision 7053(a)(4) of this title~~ subsection 7053(a) of this chapter,
18 including any customer or user ALI or ANI information, except in accordance
19 with rules adopted by the ~~Board~~ Commissioner ~~and~~ for the purpose of:

20 (A) responding to emergency calls;

1 (B) system maintenance and quality control under the direction of the
2 Director;

3 (C) investigation, by law enforcement personnel, of false or
4 intentionally misleading reports of incidents requiring emergency services;

5 (D) assisting in the implementation of a statewide emergency
6 notification system;

7 (E) provision of emergency dispatch services by public safety
8 answering points in other states that are under contract with local law
9 enforcement and emergency response organizations; or

10 (F) coordinating with ~~state~~ State and local service providers for the
11 provision of emergency dispatch services that serve individuals with a
12 disability, elders, and other populations with special needs.

13 (2) ~~No person shall~~ A person shall not use customer ALI or ANI
14 information to create special 911 databases for any private purpose or any
15 public purpose unauthorized by this chapter.

16 (b) Notwithstanding the provisions of subsection (a) of this section to the
17 contrary, customer ALI or ANI information obtained in the course of
18 responding to an emergency call may be included in an incident report
19 prepared by emergency response personnel, in accordance with rules adopted
20 by the ~~Board~~ Commissioner.

1 (c) Information relating to customer name, address, and any other specific
2 customer information collected, organized, acquired, or held by the ~~board~~
3 Department of Public Safety, the entity operating a public safety answering
4 point or administering the Enhanced 911 database, or emergency service
5 provider is not public information and is exempt from ~~disclosure under 1~~
6 ~~V.S.A. chapter 5, subchapter 3~~ public inspection and copying under the Public
7 Records Act.

8 (d) If a municipality has adopted conventional street addressing for
9 Enhanced 911 addressing purposes, the municipality shall ensure that an
10 individual who so requests will not have his or her street address and name
11 linked in a municipal public record, but the individual shall be required to
12 provide a mailing address. The request required by this subsection shall be in
13 writing and shall be filed with the municipal clerk. Requests under this
14 subsection shall be confidential and exempt from public inspection and
15 copying under the Public Records Act. A form shall be prepared by the ~~Board~~
16 Commissioner and made generally available to the public by which the
17 confidentiality option established by this subsection may be exercised.

18 (e) Notwithstanding any provision of law to the contrary, no person acting
19 on behalf of the State of Vermont or any political subdivision of the ~~state~~ State
20 shall require an individual to disclose his or her Enhanced 911 address,
21 provided that the individual furnishes his or her alternative mailing address.

1 § 7060. LIMITATION OF LIABILITY

2 ~~No person shall~~ A person shall not be liable in any suit for civil damages
3 ~~who~~ if he or she in good faith receives, develops, collects, or processes
4 information for the Enhanced 911 database or develops, designs, adopts,
5 establishes, installs, participates in, implements, maintains, or provides access
6 to telephone, mobile, or IP-enabled service for the purpose of helping persons
7 obtain emergency assistance in accordance with this chapter unless such action
8 constitutes gross negligence or an intentional tort. In addition, no provider of
9 telephone, mobile, or other IP-enabled service or a provider's respective
10 employees, directors, officers, assigns, affiliates, or agents shall be liable for
11 civil damages in connection with the release of customer information to any
12 governmental entity, including any public safety answering point, as required
13 under this chapter.

14 * * * Communications Union Districts * * *

15 Sec. 20. 30 V.S.A. chapter 82 is added to read:

16 CHAPTER 82. COMMUNICATIONS UNION DISTRICT

17 § 3051. FORMATION

18 (a) Two or more towns and cities may elect to form a communications
19 union district for the delivery of communications services and the operation of
20 a communications plant, which district shall be a body politic and corporate.

1 (b) A town or city electing to form a district under this chapter shall submit
2 to the eligible voters of such municipality a proposition in substantially the
3 following form: “Shall the Town of _____ enter into a
4 communications union district to be known as _____, under the
5 provisions of Chapter 82 of Title 30, Vermont Statutes Annotated?” at an
6 annual or special meeting of such town or city.

7 (c) Additional towns or cities may be admitted to the district in the manner
8 provided in section 3082 of this chapter.

9 (d) As used in this chapter:

10 (1) “Communications plant” means any and all parts of any
11 communications system owned by the district, whether using wires, cables,
12 fiber optics, wireless, other technologies, or a combination thereof, and used
13 for the purpose of transporting or storing information, in whatever forms,
14 directions, and media, together with any improvements thereto hereafter
15 constructed or acquired, and all other facilities, equipment, and appurtenances
16 necessary or appropriate to such system. However, the term “communications
17 plant” and any regulatory implications or any restrictions under this chapter
18 regarding a “communications plant” shall not apply to facilities or portions of
19 any communications facilities intended for use by, and solely used by, a
20 district member and its own officers and employees in the operation of

1 municipal departments or systems of which such communications are merely
2 an ancillary component.

3 (2) “Communications union district” or “district” means a
4 communications union district formed under this chapter.

5 (3) “District member” or “member municipality” means a town or city
6 that elects to form a communications union district under this chapter.

7 (4) “Governing board” or “board” means the governing board of the
8 communications union district as established under this chapter.

9 § 3052. DISTRICT COMPOSITION

10 A district formed under this chapter shall be composed of and include all of
11 the lands and residents within a member municipality, and any other town or
12 city subsequently admitted to the district as provided in this chapter except for
13 those towns and cities that withdraw as provided in this chapter. Registered
14 voters in each member municipality are eligible to vote in all district meetings,
15 but only district member representatives are eligible to vote in meetings of the
16 district’s governing board.

17 § 3053. CREATION; DURATION; NONCONTESTABILITY

18 (a) Following the organizational meeting called for in section 3060 of this
19 chapter, the district’s governing board shall cause to be filed with the Office of
20 the Secretary of State a certificate attesting to the vote conducted under
21 subsection 3051(b) of this chapter.

1 (b) A district formed under this chapter shall continue as a body politic and
2 corporate unless and until dissolved according to the procedures set forth in
3 this chapter.

4 (c) An action shall not be brought directly or indirectly challenging,
5 questioning, or in any manner contesting the legality of the formation, or the
6 existence as a body corporate and politic of any communications union district
7 created under this chapter after six months from the date of the recording in the
8 Office of the Secretary of State of the certificate required by subsection (a) of
9 this section. An action shall not be brought directly or indirectly challenging,
10 questioning, or in any manner contesting the legality or validity of any bonds
11 issued to defray costs of communications plant improvements approved by the
12 board, after six months from the date upon which the board voted affirmatively
13 to issue such bonds. This section shall be liberally construed to effect the
14 legislative purpose to validate and make certain the legal existence of all
15 communications union districts in this State and the validity of bonds issued or
16 authorized for communications plant improvements, and to bar every remedy
17 therefor notwithstanding any defects or irregularities, jurisdictional or
18 otherwise, after expiration of the six-month period. The provisions of this
19 subsection shall also pertain to financial contracts directly related to the
20 district's bonding authority.

1 (d) To the extent a district constructs communications infrastructure with
2 the intent of providing communications services, the district shall ensure that
3 any and all losses from these services, or in the event these services are
4 abandoned or curtailed, any and all costs associated with the investment in
5 communications infrastructure, are not borne by the taxpayers of district
6 members.

7 § 3054. DISTRICT POWERS

8 (a) In addition to the powers enumerated in 24 V.S.A. § 4866, and, subject
9 to the limitations and restrictions set forth in section 3056 of this chapter, a
10 district created under this chapter shall have the power to:

11 (1) operate, cause to be operated, or contract for the construction,
12 ownership, management, financing, and operation of a communications plant
13 for the delivery of communications services, as provided in 24 V.S.A.
14 chapter 54, and all enactments supplementary and amendatory thereto;

15 (2) purchase, sell, lease, own, acquire, convey, mortgage, improve, and
16 use real and personal property in connection with its purpose;

17 (3) hire and fix the compensation and terms of employment of
18 employees;

19 (4) sue and be sued;

20 (5) enter into contracts for any term or duration;

1 (6) contract with architects, engineers, financial and legal consultants,
2 and others for professional services;

3 (7) contract with individuals, corporations, associations, authorities, and
4 agencies for services and property, including the assumption of the liabilities
5 and assets thereof;

6 (8) provide communications services for its members, the inhabitants
7 thereof, and the businesses therein, and for such others as its facilities and
8 obligations may allow, and further provided such service is not extended to a
9 location in a municipality that is not contiguous with the town limits of a
10 member district and that does not have access to broadband service from
11 another provider;

12 (9) contract with the State of Vermont, the United States of America, or
13 any subdivision or agency thereof for services, assistance, and joint ventures;

14 (10) contract with any municipality for the services of any officers or
15 employees of that municipality useful to it;

16 (11) promote cooperative arrangements and coordinated action among
17 its members and other public and private entities;

18 (12) make recommendations for review and action to its members and
19 other public agencies which perform functions within the region in which its
20 members are located;

1 (13) exercise any other powers which are necessary or desirable for
2 dealing with communications matters of mutual concern and that are exercised
3 or are capable of exercise by any of its members;

4 (14) enter into financing agreements as provided by 24 V.S.A. § 1789
5 and chapter 53, subchapter 2, or other provisions of law authorizing the pledge
6 of net revenue, or alternative means of financing capital improvements and
7 operations;

8 (15) establish a budget to provide for the funding thereof out of general
9 revenue of the district;

10 (16) appropriate and expend monies;

11 (17) establish sinking and reserve funds for retiring and securing its
12 obligations;

13 (18) establish capital reserve funds and make appropriations thereto for
14 communications plant improvements and the financing thereof;

15 (19) enact and enforce any and all necessary or desirable bylaws for the
16 orderly conduct of its affairs for carrying out its communications purpose and
17 for protection of its communications property;

18 (20) solicit, accept, and administer gifts, grants, and bequests in trust or
19 otherwise for its purpose;

20 (21) exercise all powers incident to a public corporation;

1 (22) adopt a name under which it shall be known and shall conduct
2 business; and

3 (23) establish an effective date of its creation.

4 (b) Before a district may sell any service using a communications plant
5 subject to Public Service Board jurisdiction and for which a certificate of
6 public good is required under chapter 5 or 13 of this title, it shall obtain a
7 certificate of public good for such service. Each such certificate of public
8 good shall be nonexclusive and shall not contain terms or conditions more
9 favorable than those imposed on existing certificate holders authorized to serve
10 the municipality.

11 § 3055. COMMUNICATIONS PLANT; SITES

12 Each member shall make available for lease to the district one or more sites
13 for a communications plant or components thereof within such member
14 municipality.

15 § 3056. LIMITATIONS; TAXES; INDEBTEDNESS

16 (a) Notwithstanding any grant of authority in this chapter to the contrary, a
17 district shall not accept funds generated by a member's taxing or assessment
18 power.

19 (b) Notwithstanding any grant of authority in this chapter to the contrary, a
20 district shall not have the power to levy, assess, apportion, or collect any tax

1 upon property within the district, nor upon any of its members, without
2 specific authorization of the General Assembly.

3 (c) Notwithstanding any grant of authority in this chapter to the contrary,
4 every issue of a district's notes and bonds shall be general obligations of the
5 district payable only out of any revenues or monies of the district.

6 § 3057. BOARD AUTHORITY

7 The legislative power and authority of a district and the administration and
8 the general supervision of all fiscal, prudential, and governmental affairs
9 thereof shall be vested in a legislative body known as the governing board,
10 except as specifically provided otherwise in this chapter.

11 § 3058. BOARD COMPOSITION

12 The district governing board shall be composed of one representative from
13 each member and one or more alternates to serve in the absence of the
14 designated representative.

15 § 3059. APPOINTMENT

16 Annually on or before the last Monday in April commencing in the year
17 following the effective date of the district's creation, the legislative body of
18 each member shall appoint a representative and one or more alternates to the
19 governing board for one-year terms. Appointments of representatives and
20 alternates shall be in writing, signed by the chair of the legislative body of the
21 appointing member, and presented to the clerk of the district. The legislative

1 body of a member, by majority vote, may replace its appointed representative
2 or alternate at any time and shall promptly notify the district clerk of such
3 replacement.

4 § 3060. ORGANIZATIONAL MEETING

5 Annually, on the second Tuesday in May following the appointments
6 contemplated in section 3059 of this chapter, the board shall hold its
7 organizational meeting. At such meeting, the board shall elect from among its
8 appointed representatives a chair and a vice chair, each of whom shall hold
9 office for one year and until his or her successor is duly elected.

10 § 3061. QUORUM

11 For the purpose of transacting business, the presence of delegates or
12 alternates representing more than 50 percent of district members shall
13 constitute a quorum. However, a smaller number may adjourn to another date.
14 Any action adopted by a majority of the votes cast at a meeting of the board at
15 which a quorum is present shall be the action of the board, except as otherwise
16 provided in this chapter.

17 § 3062. VOTING

18 Each district member's delegation shall be entitled to cast one vote.

19 § 3063. TERM

20 Unless replaced in the manner provided in section 3059 of this chapter, a
21 representative on the governing board shall hold office until his or her

1 successor is duly appointed. Any representative or alternate may be
2 reappointed to successive terms without limit.

3 § 3064. VACANCY

4 Any vacancy on the board shall be filled within 30 days after such vacancy
5 occurs by appointment by the authority which appointed the representative or
6 alternate whose position has become vacant. An appointee to a vacancy shall
7 serve until the expiration of the term of the representative or alternate to whose
8 position the appointment was made and may thereafter be reappointed.

9 § 3065. RULES OF PROCEDURE

10 Except as otherwise provided by law, or as may be agreed upon by the
11 board, Robert’s Rules of Order shall govern at all meetings.

12 § 3066. COMPENSATION OF REPRESENTATIVES

13 Each district member may reimburse its representative to the governing
14 board for expenses as it determines reasonable, except as provided in
15 section 3072 of this chapter with respect to district officers.

16 § 3067. OFFICERS; BOND

17 (a) The officers of the district shall be the chair and the vice chair of the
18 board, the clerk of the district, and the treasurer of the district. Prior to
19 assuming their offices, officers may be required to post bond in such amounts
20 as shall be determined by resolution of the board. The cost of such bond shall
21 be borne by the district.

1 (b) The chair shall preside at all meetings of the board and shall make and
2 sign all contracts on behalf of the district upon approval by the board. The
3 chair shall perform all duties incident to the position and office as required by
4 the general laws of the State.

5 (c) During the absence of or inability of the chair to render or perform his
6 or her duties or exercise his or her powers, the same shall be performed and
7 exercised by the vice chair and when so acting, the vice chair shall have all the
8 powers and be subject to all the responsibilities hereby given to or imposed
9 upon the chair.

10 (d) During the absence or inability of the vice chair to render or perform his
11 or her duties or exercise his or her powers, the board shall elect from among its
12 membership an acting vice chair who shall have the powers and be subject to
13 all the responsibilities hereby given or imposed upon the vice chair.

14 (e) Upon the death, disability, resignation, or removal of the chair or vice
15 chair, the board shall forthwith elect a successor to such vacant office until the
16 next annual meeting.

17 § 3068. CLERK

18 The clerk of the district shall be appointed by the board, and shall serve at
19 its pleasure. The clerk is not required to be a member of the governing board.
20 The clerk shall have the exclusive charge and custody of the records of the
21 district and the seal of the district. The clerk shall record all votes and

1 proceedings of the district, including district and board meetings, and shall
2 prepare and cause to be posted and published all warnings of meetings of such
3 meetings. Following approval by the board, the clerk shall cause the annual
4 report to be distributed to the legislative bodies of the district members. The
5 clerk shall prepare and distribute any other reports required by State law and
6 resolutions or regulations of the board. The clerk shall perform all duties and
7 functions incident to the office of secretary or clerk of a body corporate.

8 § 3069. TREASURER

9 The treasurer of the district shall be appointed by the board, and shall serve
10 at its pleasure. The treasurer shall not be a member of the governing board.
11 The treasurer shall have the exclusive charge and custody of the funds of the
12 district and shall be the disbursing officer of the district. When authorized by
13 the board, the treasurer may sign, make, or endorse in the name of the district
14 all checks and orders for the payment of money and pay out and disburse the
15 same and receipt therefor. The treasurer shall keep a record of every
16 obligation issued and contract entered into by the district and of every payment
17 thereon. The treasurer shall keep correct books of account of all the business
18 and transactions of the district and such other books and accounts as the board
19 may require. The treasurer shall render a statement of the condition of the
20 finances of the district at each regular meeting of the board and at such other
21 times as shall be required of the treasurer. The treasurer shall prepare the

1 annual financial statement and the budget of the district for distribution, upon
2 approval of the board, to the legislative bodies of district members. The
3 treasurer shall do and perform all of the duties appertaining to the office of
4 treasurer of a body politic and corporate. Upon removal or the treasurer's
5 termination from office by virtue of removal or resignation, the treasurer shall
6 immediately pay over to the successor all of the funds belonging to the district
7 and at the same time deliver to the successor all official books and papers.

8 § 3070. AUDIT

9 Once the district becomes operational, the board shall cause an audit of the
10 financial condition of the district to be performed annually by an independent
11 professional accounting firm.

12 § 3071. COMMITTEES

13 The board has authority to establish one or more committees and grant and
14 delegate to them such powers as it deems necessary. Members of an executive
15 committee shall serve staggered terms and shall be board members.

16 Membership on other committees established by the board is not restricted to
17 board members.

18 § 3072. COMPENSATION OF OFFICERS

19 Officers of the district shall be paid from district funds such compensation
20 or reimbursement of expenses, or both, as determined by the board.

21 § 3073. RECALL OF OFFICERS

1 An officer may be removed by a two-thirds' vote of the board whenever, in
2 its judgment, the best interest of the district shall be served.

3 § 3074. FISCAL YEAR

4 The fiscal year of the district shall commence on January 1 and end on
5 December 31 of each year.

6 § 3075. BUDGET

7 (a) Annually, not later than September 15, the board shall approve and
8 cause to be distributed to the legislative body of each district member for
9 review and comment an annual report of its activities, together with a financial
10 statement, a proposed district budget for the next fiscal year, and a forecast
11 presenting anticipated year-end results. The proposed budget shall include
12 reasonably detailed estimates of:

13 (1) deficits and surpluses from prior fiscal years;

14 (2) anticipated expenditures for the administration of the district;

15 (3) anticipated expenditures for the operation and maintenance of any

16 district communications plant;

17 (4) payments due on obligations, long-term contracts, leases, and

18 financing agreements;

19 (5) payments due to any sinking funds for the retirement of district

20 obligations;

21 (6) payments due to any capital or financing reserve funds;

1 (7) anticipated revenues from all sources; and

2 (8) such other estimates as the board deems necessary to accomplish its
3 purpose.

4 (b) Coincident with a regular meeting thereof, the board shall hold a public
5 hearing not later than November 1 of each year to receive comments from the
6 legislative bodies of district members and hear all other interested persons
7 regarding the proposed budget. Notice of such hearing shall be given to the
8 legislative bodies of district members at least 30 days prior to such hearing.
9 The board shall give consideration to all comments received and make such
10 changes to the proposed budget as it deems advisable.

11 (c) Annually, not later than December 1, the board shall adopt the budget
12 and appropriate the sums it deems necessary to meet its obligations and operate
13 and carry out the district’s functions for the next ensuing fiscal year.

14 (d) Actions or resolutions of the board for the annual appropriations of any
15 year shall not cease to be operative at the end of the fiscal year for which they
16 were adopted. Appropriations made by the board for the various estimates of
17 the budget shall be expended only for such estimates, but by majority vote of
18 the board the budget may be amended from time to time to transfer funds
19 between or among such estimates. Any balance left or unencumbered in any
20 such budget estimate, or the amount of any deficit at the end of the fiscal year,
21 shall be included in and paid out of the operating budget and appropriations in

1 the next fiscal year. All such budget amendments shall be reported by the
2 district treasurer to the legislative bodies of each district member within
3 14 days of the end of the fiscal year.

4 (e) Financial statements and audit results shall be delivered to the
5 legislative bodies of each district member within 10 days of delivery to the
6 board.

7 § 3076. INDEBTEDNESS

8 The board may borrow money through the issuance of notes of the district
9 for the purpose of paying current expenses of the district. Such notes shall
10 mature within one year, and may be refunded in the manner provided by law,
11 and shall be payable solely from the district's operating revenues. The
12 governing board may borrow money in anticipation of the receipt of
13 grants-in-aid from any source and any revenues. Such notes shall mature
14 within one year, but may be renewed as provided by general law.

15 § 3077. PLEDGE OF REVENUES

16 (a) When the board, at a regular or special meeting called for such purpose,
17 determines by resolution passed by a vote of a majority of members present
18 and voting that the public interest or necessity demands communications plant
19 improvements, or a long-term contract, and that the cost of the same will be
20 too great to be paid out of the ordinary annual income and revenue of the
21 district, the board may pledge communications plant net revenues and enter

1 into long-term contracts to provide for such improvements. A “long-term
2 contract” means an agreement in which the district incurs direct or conditional
3 obligations for which the costs are too great to be paid out of the ordinary
4 annual income and revenues of the district, in the judgment of the board. It
5 includes an agreement authorized under 24 V.S.A. § 1789, wherein
6 performance by the district is conditioned upon periodic appropriations. The
7 term “communications plant improvements” includes improvements that may
8 be used for the benefit of the public, whether or not publicly owned or
9 operated.

10 (b) The pledge of communications plant net revenues, and other obligations
11 allowed by law, may be authorized for any purpose permitted by this chapter,
12 24 V.S.A. chapter 53, subchapter 2, and chapter 54, or any other applicable
13 statutes. A communications plant is declared to be a project within the
14 meaning of 24 V.S.A. § 1821(4).

15 § 3078. SINKING AND RESERVE FUNDS

16 (a) The board may establish and provide for sinking and reserve funds,
17 however denominated, for the retirement and security of pledges of
18 communications plant net revenue, or for long-term contracts. When so
19 established, such funds shall be kept intact and separate from other monies at
20 the disposal of the district, and shall be accounted for as a pledged asset for the
21 purpose of retiring or securing such obligations or contracts. The cost of

1 payments to any sinking or reserve fund shall be included in the annual budget
2 of the district.

3 (b) The board shall establish and provide for a capital reserve fund to pay
4 for communications plant improvements, replacement of worn out buildings
5 and equipment, and planned and unplanned major repairs in furtherance of the
6 purpose for which the district was created. Any such capital reserve fund shall
7 be kept in a separate account and invested as are other public funds and shall
8 be expended for such purposes for which established. The cost of payments to
9 any capital reserve fund shall be included in the annual budget of the district.

10 § 3079. SERVICE FEES

11 The board may from time to time establish and adjust service, subscription,
12 access, and utility fees for the purpose of generating revenues from the
13 operation of its communications plant.

14 § 3080. SPECIAL MEETINGS

15 (a) The board may call a special meeting of the district when it deems it
16 necessary or prudent to do so and shall call a special meeting of the district
17 when action by the voters is necessary under this chapter. In addition, the
18 board shall call a special meeting upon receipt of a petition signed by at least
19 five percent of the registered voters within the district, or upon request of at
20 least 25 percent of district members evidenced by formal resolutions of the
21 legislative bodies of such members or by petitions signed by at least five

1 percent of the member's registered voters. The board may rescind the call of a
2 special meeting called by it but not a special meeting called as provided in this
3 subsection. The board may schedule the date of such special meetings to
4 coincide with the date of annual municipal meetings, primary elections,
5 general elections, or similar meetings when the electorate within the district
6 members will be voting on other matters.

7 (b) At any special meeting of the district, voters of each district member
8 shall cast their ballots at such polling places within the municipality of their
9 residence as shall be determined by the board of the district in cooperation with
10 the boards of civil authority of each district member.

11 (c) Not less than three nor more than 14 days prior to any special meeting,
12 at least one public hearing shall be held by the board at which time the issues
13 under consideration shall be presented and comments received. Notice of such
14 public hearing shall include the publication of a warning in a newspaper of
15 general circulation in the district at least once a week, on the same day of the
16 week, for three consecutive weeks, the last publication not less than five nor
17 more than 10 days before the public hearing. Such notice may be included in
18 the warning called for in subsection (d) of this section.

19 (d) The board shall warn a special meeting by filing a notice with the clerk
20 of each district member and by posting a notice in at least five public places in
21 each municipality in the district not less than 30 nor more than 40 days before

1 the meeting. In addition, the warning shall be published in a newspaper of
2 general circulation in the district once a week on the same day of the week for
3 three consecutive weeks before the meeting, the last publication to be not less
4 than five nor more than 10 days before the meeting.

5 (e) The original warning of any special meeting of the district shall be
6 signed by a majority of the board and shall be filed with the clerk before being
7 posted.

8 (f) The posted and published warning notification shall include the date,
9 time, place, and nature of the meeting. It shall, by separate articles,
10 specifically indicate the business to be transacted and the questions to be
11 voted upon.

12 (g) The Australian ballot system shall be used at all special meetings of the
13 district when voting is to take place. Ballots shall be commingled and counted
14 under the supervision of the district clerk.

15 (h) All legal voters of the district members shall be legal voters of the
16 district. The district members shall post and revise checklists in the same
17 manner as for municipal meetings prior to any district meeting at which there
18 will be voting.

19 (i) At all special meetings, the provisions of 17 V.S.A. chapter 51 regarding
20 election officials, voting machines, polling places, absentee voting, process of
21 voting, count and return of votes, validation, recounts and contest of elections,

1 reconsideration or rescission of vote, and jurisdiction of courts shall apply
2 except where clearly inapplicable. The clerk shall perform the functions
3 assigned to the Secretary of State under that chapter. The Washington
4 Superior Court shall have jurisdiction over petitions for recounts. Election
5 expenses shall be borne by the district, unless within 30 days of the date of
6 such resolution there is filed with the clerk of the district a request to call a
7 special district meeting under this section to consider a proposition to rescind
8 such resolution.

9 § 3081. WITHDRAWAL OF A MEMBER MUNICIPALITY

10 A district member may withdraw from the district upon the terms and
11 conditions specified below:

12 (1) Prior to the district pledging communications plant net revenues, or
13 entering into a long-term contract, or contract subject to annual appropriation,
14 a district member may vote to withdraw in the same manner as the vote for
15 admission to the district. If a majority of the voters of a district member
16 present and voting at a meeting duly warned for such purpose votes to
17 withdraw from the district, the vote shall be certified by the clerk of that
18 municipality and presented to the board. Thereafter, the board shall give
19 notice to the remaining district members of the vote to withdraw and shall hold
20 a meeting to determine if it is in the best interest of the district to continue to
21 exist. Representatives of the district members shall be given an opportunity to

1 be heard at such meeting together with any other interested persons. After
2 such a meeting, the board may declare the district dissolved immediately or as
3 soon thereafter as its financial obligations and of each district member on
4 account thereof have been satisfied, or it may declare that the district shall
5 continue to exist despite the withdrawal of such member. The membership of
6 the withdrawing municipality shall terminate as soon after such vote to
7 withdraw as any financial obligations of the withdrawing municipality have
8 been paid to the district.

9 (2) After the district has pledged communications plant net revenues, or
10 entered into a long-term contract or contract subject to annual appropriations, a
11 district member may vote to withdraw in the same manner as the vote for
12 admission to the district. It shall be a condition that the withdrawing
13 municipality shall enter into a written agreement with the district whereby such
14 municipality shall be obligated to continue to pay its share of any contract
15 obligations incurred by the district for the remaining term of the contract term.

16 § 3082. ADMISSION OF DISTRICT MEMBERS

17 The board may authorize the inclusion of additional district members in the
18 communications union district upon such terms and conditions as it in its sole
19 discretion shall deem to be fair, reasonable, and in the best interests of the
20 district. The legislative body of any nonmember municipality which desires to
21 be admitted to the district shall make application for admission to the board.

1 The board shall determine the financial, economic, governance, and
2 operational effects that are likely to occur if such municipality is admitted and
3 thereafter either grant or deny authority for admission of the petitioning
4 municipality. If the board grants such authority, it shall also specify any terms
5 and conditions, including financial obligations, upon which such admission is
6 predicated. Upon resolution of the board, such applicant municipality shall
7 become and thereafter be a district member.

8 § 3083. DISSOLUTION

9 (a) If the board by resolution approved by two-thirds of all the votes
10 entitled to be cast determines that it is in the best interests of the public, the
11 district members, and the district that such district be dissolved, and if the
12 district then has no outstanding obligations under pledges of communications
13 plant net revenue, long-term contracts, or contracts subject to annual
14 appropriation, or will have no such debt or obligation upon completion of the
15 plan of dissolution, it shall prepare a plan of dissolution and thereafter adopt a
16 resolution directing that the question of such dissolution and the plan of
17 dissolution be submitted to the voters of the district at a special meeting thereof
18 duly warned for such purpose. If a majority of the voters of the district present
19 and voting at such special meeting shall vote to dissolve the district and
20 approve the plan of dissolution, the district shall cease to conduct its affairs
21 except insofar as may be necessary for the winding up thereof. The board shall

1 immediately cause a notice of the proposed dissolution to be mailed to each
2 known creditor of the district and to the Secretary of State and shall proceed to
3 collect the assets of the district and apply and distribute them in accordance
4 with the plan of dissolution.

5 (b) The plan of dissolution shall:

6 (1) identify and value all unencumbered assets;

7 (2) identify and value all encumbered assets;

8 (3) identify all creditors and the nature or amount of all liabilities and
9 obligations;

10 (4) identify all obligations under long-term contracts and contracts
11 subject to annual appropriation;

12 (5) specify the means by which assets of the district shall be liquidated
13 and all liabilities and obligations paid and discharged, or adequate provision
14 made for the satisfaction thereof;

15 (6) specify the means by which any assets remaining after discharge of
16 all liabilities shall be liquidated if necessary; and

17 (7) specify that any assets remaining after payment of all liabilities shall
18 be apportioned and distributed among the district members according to a
19 formula based upon population.

20 (c) When the plan of dissolution has been implemented, the board shall
21 adopt a resolution certifying that fact to the district members whereupon the

1 district shall be terminated, and notice thereof shall be delivered to the
2 Secretary of the Senate and the Clerk of the House of Representatives in
3 anticipation of confirmation of dissolution by the General Assembly.

4 Sec. 21. EAST CENTRAL VERMONT TELECOMMUNICATIONS

5 DISTRICT

6 The East Central Vermont Telecommunications District approved by the
7 voters of the Towns of Norwich, Randolph, Sharon, Strafford, and Woodstock
8 on March 3, 2015, qualifies as a communications union district under
9 30 V.S.A. chapter 82, if so approved by the legislative body of each
10 municipality after enactment of 30 V.S.A. chapter 82.

11 * * * VEDA Loans to Telecommunications Union Districts * * *

12 Sec. 22. 10 V.S.A. § 212 is amended to read:

13 § 212. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (6) “Eligible facility” or “eligible project” means any industrial,
17 commercial, or agricultural enterprise or endeavor approved by the authority
18 that meets the criteria established in the Vermont Sustainable Jobs Strategy
19 adopted by the Governor under section 280b of this title, including land and
20 rights in land, air, or water, buildings, structures, machinery, and equipment of
21 such eligible facilities or eligible projects, except that an eligible facility or

1 project shall not include the portion of an enterprise or endeavor relating to the
2 sale of goods at retail where such goods are manufactured primarily out of
3 state, and except further that an eligible facility or project shall not include the
4 portion of an enterprise or endeavor relating to housing. Such enterprises or
5 endeavors may include:

6 * * *

7 (N) industrial park planning, development, or improvement; ~~or~~

8 (O) for purposes of subchapter 5 of this chapter, a
9 telecommunications plant, as defined in 24 V.S.A. § 1911(2), owned by a
10 municipality individually or in concert with one or more other municipalities
11 as a communications union district established under 30 V.S.A. chapter 82; or

12 (P) any combination of the foregoing activities, uses, or purposes.

13 An eligible facility may include structures, appurtenances incidental to the
14 foregoing such as utility lines, storage accommodations, offices, dependent
15 care facilities, or transportation facilities.

16 * * *

17 Sec. 23. 10 V.S.A. § 261 is amended to read:

18 § 261. ADDITIONAL POWERS

19 In addition to powers enumerated elsewhere in this chapter, the

20 Authority may:

1 The mortgage may be subordinate to one or more prior mortgages, including
2 the mortgage securing the obligation issued to secure the commitment of funds
3 from the independent and responsible sources and used in the financing of the
4 economic development project. Monies loaned by the authority shall be
5 withdrawn from the Vermont jobs fund fund and paid over to the mortgagor in
6 such manner as provided and prescribed by the rules and regulations of the
7 authority. All payments of principal and interest on the loans shall be
8 deposited by the authority in the Vermont jobs fund.

9 * * *

10 (h) All actions of a municipality taken under this subchapter for the
11 financing of an eligible project described in subsection 212(b) shall be as
12 authorized in section 245 of this title.

13 (i) The provisions of section 247 of this title shall apply to the financing of
14 an eligible project described in subdivision 216(6) of this title.

15 * * * Statutory Revision * * *

16 Sec. 26. STATUTORY REVISION

17 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
18 Legislative Council shall, where appropriate in 30 V.S.A. chapter 88:

19 (1) replace the words “Public Service Board” with the words
20 “Department of Public Service”;

21 (2) replace the word “Board” with the word “Commissioner”; and

1

2

3 (Committee vote: _____)

4

5

Senator _____

6

FOR THE COMMITTEE